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ON PETITION

In re Application of :  
Hicks, Michael E. :  
Patent No. 6,059,140 :  
Application No. 09/263,127 :  
Filed: March 5, 1999 :  
Issued: May 9, 2000 :  
Attorney Docket No. 17958.001 :

This is a decision on the petition under 37 CFR 1.378(c), filed May 20, 2004, to accept the delayed payment of a maintenance fee for the above-identified patent.

The petition is **DISMISSED**.

If reconsideration of this decision is desired, a petition for reconsideration under 37 CFR 1.378(e) must be filed within TWO (2) MONTHS from the mail date of this decision. No extension of this two-month time limit can be granted under 37 CFR 1.136(a) or (b). This is **not** final agency action within the meaning of 5 U.S.C. § 704.

A petition to accept the unintentionally delayed payment of a maintenance fee under 35 U.S.C. § 41(c) and 37 CFR 1.378(c) must be accompanied by: (1) a statement that the delay was unintentional; (2) payment of the appropriate maintenance fee, unless previously submitted; (3) payment of the surcharge set forth in 37 CFR 1.20(i)(2).

This petition lacks item (1) above. The petition does not include the appropriate statement of unintentionally delay or any language that could be construed as such.

Furthermore, any petition under this section must also be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or a person authorized to act on behalf of the assignee. **Petitioner must submit the appropriate documentation or registration number, if applicable, showing the above requirement.** A courtesy copy of this decision will be sent to the address on the petition.

**Any petition for reconsideration of this decision must be accompanied by the petition fee of \$130 as set forth in 37 CFR 1.17(h).** The petition for reconsideration must include the lacking item(s) noted above, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Commissioner.

Petitioner should note that if this petition is not renewed, or if renewed and not granted, then the maintenance fees and post expiration surcharge are refundable. Petitioner may request a refund of the fees submitted on March 17, 2004. Please send all requests for refunds to the following address:

Mail Stop 16  
Director of the US Patent and Trademark Office  
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A copy of this decision should accompany petitioner's request.

Further correspondence with respect to this matter should be addressed as follows:

By mail:                      Mail Stop PETITION  
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Liana Chase  
Petitions Examiner  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy

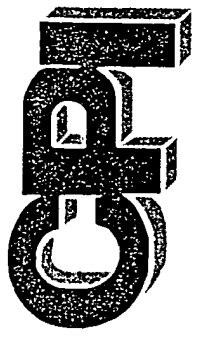
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